

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-053293

02/11/2013

HONORABLE JAY M. POLK

CLERK OF THE COURT
D. Kenney
Deputy

IN RE THE MARRIAGE OF
THOMAS R HODGES

NORMAN M KATZ

AND

SHEILA A HODGES

SHEILA A HODGES
UP

OFFICE OF PUBLIC DEFENSE
SERVICES-CCC
MURIEL MCCLELLAN PHD
2111 E HIGHLAND AVE
STE 125
PHOENIX AZ 85016

MINUTE ENTRY

Courtroom 107 NE RCC

9:36 a.m. This is the time set for Return Hearing re: Petitioner's Petition for Order to Show Cause re: Contempt and Enforcement of Decree of Dissolution re: Denial of Parenting Time filed on November 30, 2013; and Respondent's Counter-Petition for Modification of Parenting Time and Child Support and Modification of Spousal Maintenance and Request to Abide by the Court Orders and Parenting Time filed on February 1, 2013. Petitioner is present with counsel, Norman Katz. Respondent is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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Discussion is held.

Pursuant to matters presented,

IT IS ORDERED that Petitioner/Father may file a response to the Counter-Petition for Modification of Parenting Time and Child Support and Modification of Spousal Maintenance and Request to Abide by the Court Orders and Parenting Time that was filed by Respondent/Mother by no later than **February 28, 2013**.

LET THE RECORD REFLECT that Father's counsel is provided with a copy of Mother's Counter-Petition in open court.

IT IS FURTHER ORDERED setting an Evidentiary Hearing on the issue of whether or not a Therapeutic Interventionist needs to be appointed in this matter, and if so, for what purpose on **March 18, 2013, at 10:00 a.m.** (time allotted: 30 minutes), in this Division. The Court notes that Dr. McClellan shall be the only witness.

Honorable Jay M. Polk
Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th St
Courtroom 107
Phoenix, AZ 85032

The parties and counsel are directed to meet and confer regarding the outstanding issues in an attempt to settle this matter.

Pursuant to Rule 16(h), Arizona Rules of Civil Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument.

JOINT PRE-HEARING STATEMENT:

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice--Maricopa County (Family Court Cases), no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

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1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to *In Re Marriage of Kells*, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).

2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed legal decision-making, access or visitation issues, a specific proposal for legal decision-making and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child legal decision-making, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

EXHIBITS:

IT IS ORDERED that any exhibits to be used at the hearing shall be delivered to the Clerk of this Division **five (5) Court business days prior to the hearing**. The parties shall also provide the adverse party and the Court itself with a separate copy of all exhibits. Please deliver the exhibits to a division staff member to ensure that they are received by the division clerk. Please do not fax exhibits. Please do not attach the exhibits to any other document or pleading.

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IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

SETTLEMENT:

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 5.1(c), Arizona Rules of Civil Procedure.

Given the history of this case and agreement of the parties,

THE COURT FINDS that mediation would not be an appropriate method to resolve Mother's Petition to Modify.

THE COURT FURTHER FINDS it is in the best interests of the children to appoint a Court Appointed Advisor in this matter.

THE COURT FURTHER FINDS that Mother is indigent and is unable to bear the fees and costs of a Court Appointed Advisor.

Accordingly,

IT IS ORDERED appointing a Court Advisor through the Office of Public Defense Services to investigate the case and make recommendations to the Court. The appointment shall be fully set forth by separate minute entry.

IT IS FURTHER ORDERED that the Office of Public Defense Services shall reimburse Mother's one-half share of the fees and costs of the Court Appointed Advisor and Father will pay his share of \$500.00 for the fee in full, subject to reallocation.

IT IS FURTHER ORDERED directing Mother to ensure that an adequate supply of Bryce's medication shall be given to the school nurse for Father to administer to Bryce during Father's parenting time. Father shall pick up the medication directly from the school nurse.

IT IS FURTHER ORDERED setting an Evidentiary Hearing re: Petitioner's Petition for Order to Show Cause re: Contempt and Enforcement of Decree of Dissolution re: Denial of

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Parenting Time and Respondent's Counter-Petition for Modification of Parenting Time and Child Support and Modification of Spousal Maintenance and Request to Abide by the Court Orders and Parenting Time on **October 17, 2013, at 9:00 a.m.** (time allotted: 2 hours), in this Division.

Honorable Jay M. Polk
Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th St
Courtroom 107
Phoenix, AZ 85032

The parties and counsel are directed to meet and confer regarding the outstanding issues in an attempt to settle this matter.

Pursuant to Rule 16(h), Arizona Rules of Civil Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument.

JOINT PRE-HEARING STATEMENT:

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice--Maricopa County (Family Court Cases), no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to *In Re Marriage of Kells*, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed legal decision-making, access or visitation issues, a specific proposal for legal decision-making and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown,

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result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child legal decision-making, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

EXHIBITS:

IT IS ORDERED that any exhibits to be used at the hearing shall be delivered to the Clerk of this Division **five (5) Court business days prior to the hearing**. The parties shall also provide the adverse party and the Court itself with a separate copy of all exhibits. Please deliver the exhibits to a division staff member to ensure that they are received by the division clerk. Please do not fax exhibits. Please do not attach the exhibits to any other document or pleading.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

SETTLEMENT:

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 5.1(c), Arizona Rules of Civil Procedure.

9:58 a.m. Matter concludes.

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.